

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARCIAL FLORES, *individually and on
behalf of others similarly situated,*

Plaintiff,

-v-

SKY BAR TIMES SQUARE INC. d/b/a
SKY ROOM & BAR, *et al.*,

Defendants.

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No. 15-cv-3387 (RJS)
ORDER

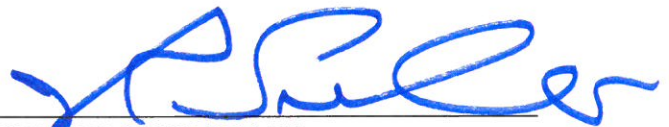
RICHARD J. SULLIVAN, District Judge:

The Court is in receipt of a letter from Plaintiff, dated August 28, 2015, requesting leave to file a proposed Second Amended Complaint in this action. (Doc. No. 33.) The Court is further in receipt of a letter from Defendants, dated September 2, 2015, consenting to Plaintiff's request. (Doc. No. 34.) For the reasons set forth below, the Court finds that a pre-motion conference is unnecessary to resolve Plaintiff's unopposed motion, and GRANTS Plaintiff's request.

Pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, "a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires." As the Second Circuit has explained, "[w]hen a party requests leave to amend its complaint, permission generally should be freely granted." *Anderson News, L.L.C. v. Am. Media, Inc.*, 680 F.3d 162, 185 (2d Cir. 2012). Here, Defendants do not oppose the request – in fact, they even "believe [that] the proposed amendment, which seeks to

add additional parties to the case, will help streamline discovery and/or resolution.” (Doc. No. 34 at 1.) Furthermore, Plaintiff’s proposed Second Amended Complaint does not introduce new theories of liability, and discovery is in its early stages. On this record, the Court has little difficulty concluding that there are ample grounds to support Plaintiff’s request. Accordingly, IT IS HEREBY ORDERED THAT Plaintiff’s request for leave to file a second amended complaint is GRANTED, and, by September 8, 2015, Plaintiff shall file its proposed Second Amended Complaint. The Clerk of the Court is respectfully directed to terminate the motion at docket entry 33.

Dated: September 2, 2015
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE